

Application No. 10/775,365

REMARKS

The rejection under 35 U.S.C. 112 of Claim 21 is respectfully traversed since it is believed that the claim was in a proper format upon filing of the present application. However, Applicants have clarified this claim in accordance with the Examiner's suggestions on page 2 of the Official Action.

The rejection of Claims 1 to 30 under 35 U.S.C. 102(e) as being anticipated, or in the alternative under 35 U.S.C. 103(a) as being obvious over Patel et al. 6,664,017 is respectfully traversed.

As the Examiner points out, the '017 patent does teach the preparation of toner compositions utilizing emulsion aggregation processes. Reference to column 5, lines 24 to 58, as suggested by the Examiner, indicates that for the toner process there is selected a polymetal halide, and more specifically, a polyaluminum chloride and wherein the polymetal sulfosilicate is a polyaluminum sulfosilicate, and the multivalent salts thereof. For a 102 rejection to be sustainable, the Examiner must establish that each and every feature of the claims being rejected is specifically disclosed in the reference being applied including the combination thereof. Accordingly, for example, the Examiner has not pointed out specifically where in the '017 patent there is illustrated the combination of components as received, for example, in rejected Claim 1, and wherein there are blended the components as indicated including a wax dispersion, and further wherein the heating is accomplished in the presence of coagulants, one of which is a source of calcium ions. Similar comments are applicable with respect to the '103 rejection, particularly without the benefit of the teachings of the present application one of ordinary skill in the art would not easily arrive at the present invention as recited, for example, in rejected Claim 1 without undue experimentation. The art of toners and processes for preparing toners is unpredictable. It is respectfully urged that the Examiner reconsider the '017 patent and specifically point out to Applicants why he is of the position that

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there are two coagulants being utilized, one of which is a source of calcium ions, as such a teaching is not clear from the '017 patent including column 5, lines 24 to 58. In this regard, the Examiner is referred to column 11, that is the lab Examples, noting that a polyaluminum sulfosilicate was utilized as a coagulant, there being no mention of incorporating or selecting a calcium salt. Further, this patent is directed to applying a toner security mark on a document generated by xerographic means, and where there can be added to the toner generated a blend of two coagulants of a polymetal halide dissolved in a strong acid and in an ionic surfactant, see for example Claim 33.

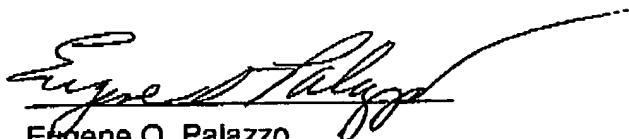
The rejection of Claims 1 to 30 under 35 U.S.C. 103(a) as being unpatentable over Toth et al. 6,395,445 in view of Hopper et al. 6,416,920 is respectfully traversed. In column 8, lines 17 to 42, of the '445 patent, which lines are referred to by the Examiner as teaching a combination of coagulants, it is respectfully urged that the Examiner reconsider column 8. At column 8, beginning at line 9, it is indicated that in a most preferred aspect the aggregating agent is a zinc acetate. Any aggregating agents capable of causing complexation may also be used, see column 8, beginning at line 17, including alkaline based metals or transition metal salts. There appears to be no disclosure or teaching in the '445 patent with regard to utilizing a mixture of coagulants, one of which is a source of calcium ions. Moreover, the Examiner is referred to the lab Examples including Comparative Example 1, column 11, which further establishes that a single aggregating agent was selected, namely a zinc acetate. When a zinc acetate is added slowly at a fixed rate in excess of four hours is needed to grow to the same size, see column 11, beginning at line 46. Therefore, for example, the Examiner is not permitted to extend the teachings of this patent to emulsion aggregation processes wherein there is selected a mixture of coagulants, one of which is a source of calcium ions. Since this is the primary reference, and it is believed that it is not applicable, the combination rejection is also no longer believed to be

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relevant. The Examiner is citing Hopper et al. 6,416,920 in that it teaches similar resins to those of the present application. However, the invention of the present application does not reside exclusively in the utilization of specific resins; rather it is directed to the combination of components recited in Claim 1, for example, and wherein there is selected a mixture of coagulants, one of which is a source of calcium ions. Accordingly, even if the references are properly combinable and without the benefit of the teachings of the present application the Examiner has not established a prima facie case of obviousness with respect to an emulsion aggregation process utilizing a mixture of coagulants as recited, for example, in rejected Claim 1. Accordingly, it is respectfully urged the Examiner reconsider his positions and provide Applicants with a Notice of Allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby requested to call Eugene O. Palazzo, at Telephone Number 585-423-4687, Rochester, New York.

Respectfully submitted,



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